

8612

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

IN LEGISLATIVE SESSION

Tuesday, March 2, 1993 Rockville, Md.

The County Council for Montgomery County, Maryland, convened in Legislative Session in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:58 A.M. on Tuesday, February 3, 1993.

PRESENT

Marilyn J. Praisner, President	William E. Hanna, Jr., Vice President
Bruce Adams	Derick Berlage
Nancy H. Dacek	Gail H. Ewing
Betty Ann Krahnke	Isiah Leggett
Michael L. Subin	

The President in the Chair.

MISCELLANEOUS BUSINESS

SUBJECT: Approval of Journal

ACTION: The Journal of February 16, 1993, was approved

by motion of Councilmember Krahnke, without objection,  
Councilmember Leggett temporarily absent.

INTRODUCTION OF BILLS

SUBJECT: Bill No. 8-93. Animal Control - Aviaries

ACTION: Introduced Draft No. 3 sponsored by Councilmember Dacek.

Councilmember Dacek stated that the bill provides clarifying amendments to the County Animal Control law.

## CALL OF BILLS FOR FINAL READING

**SUBJECT: Bill 3-93. Collective Bargaining - Process and Deadlines**

The Council had before it a memorandum from Senior Legislative Attorney Faden, dated March 2, 1993, presenting the Committee report and setting forth issues for discussion.

President Praisner stated that the bill revises the deadlines for Council action on the collective bargaining agreement to make them more consistent with the revised budget timetable adopted in last year's amendment to the County Charter. The bill also makes some technical and stylistic revisions. She stated that, due to illness, she was not present at the Management and Fiscal Policy (MFP) Committee meeting when the bill was discussed.

Councilmember Hanna stated that the MFP Committee considered the bill and recommended that it be enacted. With respect to the letter from Mr. Bader, President, Fraternal Order of Police (FOP), dated February 12, 1993, Mr. Hanna said the Committee carefully reviewed the concerns of the unions (Lodge 35 of the FOP, the Montgomery County Government Employees' Organization, Local 400, United Food and Commercial Workers, Local 400, and the International Association of Fire Fighters, Local 1664) and believed that the staff explanation concerning the revisions was a satisfactory response to the issues raised by the unions. Councilmember Subin added that, at the Committee meeting, representatives of the unions were not present and no objections to the bill were raised.

In response to questions raised, Mr. Faden directed the Council's attention to page 2 of his memorandum, noting that the unions objected to language added on page 3, lines 44-45, and on pages 4-5, lines 81-82, which clarifies that the Council's decision on funding wage and benefit adjustments is made on a year-to-year basis. The unions did not say exactly how they believe these revisions change the meaning of the law. Mr. Faden stated that the changes made reflect the generally accepted meaning of the law. He stated that he has not discussed these concerns with union representatives.

President Praisner stated that the amendment on page 4 which substitutes the word resolution for [majority vote] implies that a vote will be taken since the action is to be accomplished through a resolution. She stated that the unions would have preferred a later deadline date for submitting the results of the negotiations to the Council than May 10. Ms. Praisner expressed the view that the period between May 10 and the June 1 deadline for adoption of the budget is a short period of time, and moving the date beyond May 10 could result in midnight meetings which would be counterproductive and represent a disservice to the budget process and to employees. President Praisner stated that she supports the Committee's recommendation.

Councilmember Berlage requested and received assurance from Mr. Faden that the amendments in the bill do not change the substance of the law other than the deadline dates, and that neither the unions nor management will receive or lose rights as a result of these amendments.

With respect to concerns raised by the unions regarding the cost of printing the revised law, Councilmember Krahne stated that the unions should be advised that only the amended sections would have to be reprinted.

**ACTION:** Enacted Bill 3-93

by recommendation of the MFP Committee, by a roll call vote:

**YEAS:** Subin, Dacek, Berlage, Leggett, Adams, Ewing, Krahne, Hanna, Praisner.

**SUBJECT:** Bill 2-93. Art in Public Facilities

President Praisner stated that the subject bill defers for two years any additional appropriation for art in public facilities. She noted that changes proposed at the public hearing are outside of the scope of advertising for the subject bill, since the advertising addressed the effective date change only.

Councilmember Adams stated that he agrees with the comments made at the public hearing that the Council should not continue to defer the date for appropriating funds for the art in public facilities program. While he will vote for the bill, he hopes the Council will take the time to develop a program that is within the fiscal realities of the 1990s.

Councilmember Krahne agreed that some of the ideas presented at the public hearing were well stated. She supported the concept of having architects look at new projects to determine whether art could be incorporated into the projects at the beginning of the design work and the raising of money from the private sector for quality art work for public facilities. She indicated her willingness to help develop legislation that would address these issues.

**ACTION:** Enacted Bill 2-93

by recommendation of the MFP Committee, by a roll call vote:

**YEAS:** Subin, Dacek, Berlage, Leggett, Adams, Ewing, Krahne, Hanna, Praisner.

**SUBJECT:** Bill 4-93. Parking Lot Districts - Mixed Use Projects

Mr. Faden provided background information concerning the bill and an amendment to subsection (d) suggested by representatives of the Bethesda-Chevy Chase Chamber of Commerce in accordance with his memorandum, dated March 2, 1993.

**ACTION:** Adopted the following amendments as reflected in the bill:

**AN EMERGENCY ACT to:**

- (1) authorize a transfer by the County of certain parking district funds to provide financial assistance to mixed-use parking facility projects; and
- (2) generally amend the law governing the expenditure and transfer of funds by parking lot districts.

By amending

Montgomery County Code  
Chapter 60, Parking Lot Districts  
Section 60-16, Purpose of Parking Lot Funds

**EXPLANATION:** Boldface indicates a heading or a defined term  
Underlining indicates text that is added to existing law by the original bill  
[Single boldface brackets] indicate text that is deleted from existing law by the original bill  
Double underlining indicates text that is added to the bill by amendment  
[[Double boldface brackets]] indicate text that is deleted from existing law or the bill by amendment  
\* \* \* indicates existing law unaffected by the bill

The County Council for Montgomery County, Maryland, approves the following act:

Sec. 1. Section 60-16 is amended as follows:

60-16. Purpose of parking lot funds; loans to county, etc.

\* \* \*

(c) (1) Notwithstanding the limitations in subsection (a) or (b) or any other provisions of this Chapter, the County Council may transfer revenue from parking fees:

(A) To the fund of any urban district from which the fees are collected, as limited by Section

68A-4(a)(2)b;

(B) To fund activities of the Department of Transportation to implement transportation system management under Section 42A-13. Parking fee revenue transferred to fund activities in a transportation system management district must not exceed parking fees collected in that transportation system management district; and

(C) To fund activities of the Department of Transportation in a parking lot district, other than any parking lot district where a transportation system management district is operating:

(i) To promote, develop, and implement transit and ridesharing incentive programs; and

(ii) To establish cooperative County and private sector programs to increase ridesharing and transit usage.

Parking fee revenue transferred to fund these

activities must derive only from parking fees collected in that parking lot district.

(2) In this subsection, "parking fee" means revenue from parking meters, parking permits, or any other user charge for parking.

(d) Notwithstanding the limitations in subsection (a) or (b) or any other provision of this Chapter, the County Council may transfer district funds from the unencumbered balance of the district fund set up under subsection (a) to assist mixed-use parking facility projects in the district as contemplated by Section 60-2(b). In this subsection, a mixed-use parking facility project means a mixed-use project that includes a significant public parking component and is approved in the County capital improvements program. Unless the County Council in the capital improvements program waives all or part of the repayment, each transfer of funds must be conditioned on a reasonable repayment agreement that is based on the nature of the mixed-use project.

#### Sec. 2. Emergency Effective Date.

The Council declares that an emergency exists and that this legislation is necessary for the immediate protection of the public health and safety. This act takes effect on the date on which it becomes law.

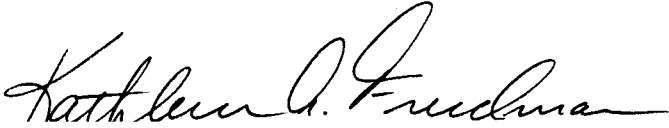
**ACTION:** Enacted Bill 4-93

by motion of Councilmember Krahne, by a roll call vote:

**YEAS:** Subin, Dacek, Berlage, Leggett, Adams, Ewing, Krahne, Hanna,  
Praisner.

The meeting adjourned at 10:08 A.M.

This is an accurate account of the meeting:



Kathleen A. Freedman, CMC  
Secretary of the Council

Minutes written by: Mary A. Edgar, CMC  
Senior Assistant Secretary